



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,081	10/05/2001	Ok-Hyun Son	P54757RE2	2098
8439 7590 08/18/2009 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER WONG, KIN C	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 08/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* OK-HYUN SON

---

Reissue 09/971,081  
Patent 5,963,387  
Technology Center 2600

---

Mailed: August 18, 2009

---

Before LYNN M. KRYZA, *Deputy Chief Trial Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This reissue application was electronically received by the Board of Patent Appeals and Interferences on July 27, 2009. A review of the reissue application revealed that it is not ready for docketing as an appeal. Accordingly, the reissue application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

## REISSUE AMENDMENT, SUPPLEMENTAL DECLARATION REQUIRED

Amendments dated June 12, 2003 and June 16, 2003, do not appear to have been accompanied by a supplemental reissue declaration. Whenever claims are amended or added, a supplemental reissue declaration is required pursuant to MPEP 1414.01. Form PTO/SB/51S, "Supplemental Declaration For Reissue Patent Application To Correct 'Errors' Statement ([see] 37 C.F.R. § 1.175(b)(1)), " may be used to prepare a supplemental reissue declaration. Form PTO/SB/51S serves to indicate that every error in the patent that was corrected in the reissue application, but was not covered by a prior reissue oath/declaration submitted in the reissue application, arose without any deceptive intention on the part of the applicant.

## REJECTION OF ALL THE REISSUE CLAIMS UNDER 35 U.S.C. 251

It does not appear that the Examiner has included in an Office action the appropriate rejection of all the reissue claims under 35 U.S.C. 251, as being based upon a defective reissue declaration, and the requirement of a supplemental reissue declaration signed by the reissue applicant to overcome such rejection. See MPEP § 1414.01 and MPEP § 1444 for details.

## CONCLUSION

Accordingly, it is ORDERED that the reissue application is returned to the Examiner:

1) to have a proper Supplemental Declaration submitted in accordance with MPEP § 1414.01;

Reissue 09/971,081

Patent 5,963,387

2) to generate a Supplemental Examiner's Answer, including the necessary Director's signature per MPEP §1207.05, setting forth the correct status of claims and correct grounds of rejection as set forth above, and to correct other sections of the Answer as may be required; and

3) and for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

LK/rvb

Robert E. Bushnell & Law Firm  
2920 K Street, NW  
Suite 600  
Washington, DC 20006-1004